

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

August 12, 2003

5:30 PM

Chairman Sysyn called the meeting to order.

The Clerk called the roll.

Present: Aldermen Sysyn, Guinta, Osborne, Garrity and Forest

Deputy City Clerk Johnson stated Madame Chair it's my understanding that you wish to move Item 11 up to the first item of the agenda.

Chairman Sysyn addressed Item 11 of the agenda:

Report regarding parking garage contract RFP's.

Finance Officer Kevin Clougherty stated I think what we're trying to do tonight is to come before the Committee and just get some clarifications. As you know, there's a lot of activity with respect to parking going on and there's confusion amongst the staff as to exactly what the expectation is from the Committee. So we'd like to get that clarified tonight so we can move forward. And if I may I'd just like to take a minute and give some background on what the issues are. As you know, we have been looking at the idea of an RFP for parking garage management. But at the same time that you're looking at an RFP for parking garage management, we're looking at selling one of the garages. I don't want to mess up getting some work done in that area as we talked about it at the last meeting. We're also talking about with the Center of New Hampshire, an extension of the operating and management agreement. So you could conceivably put together an RFP just for parking garages that would go out that would have to have the caveats, we'd like you to bid on the management of these three garages, but by the way we might be selling one and the other one might be off limits because we're doing a management agreement. So you end up with one garage. We've also heard that there's some interest in the Board in taking a look at perhaps folding those in with Airport. As we've discussed with Kevin, he's got a two and a half-year contract under his current arrangements and if you want to put an RFP you can do that certainly. You can put in all three and put in all the caveats, you add in just one with those and put that out, understanding that you put at risk the very competitive pricing that he has on the books right now. Then on top of all of that, there's discussion about, or we've heard discussion from some of

the Aldermen, that we should be looking at a comprehensive review and it shouldn't just be the parking garages. We should be looking at the surface lots and the meters and the whole nine yards. If you want to get into something beyond the parking garages, certainly Kevin at the Airport and the City have pulled together these RFP's on the garages and depending on what direction we get tonight we can pull together an RFP. That's not a problem. But once you start adding in the surface lots and adding in all of the other operations, that is going to take some time for Tom and his staff to provide the rest of us with that background information so that we could pull together a comprehensive RFP. So before we go running in a bunch of different directions and putting together RFP's with all types of qualifications, we really felt that the staff should come back and talk to the Traffic Committee and say all right should we bring to closure the issue of selling the one garage before we do the RFP? Should we bring to closure the Center of New Hampshire negotiations before we do an RFP? So we know what we're actually RFPing and people know what they're responding to, because if you send it out with all of those caveats, you're going to get back all types of different levels of response that are going to be hard to compare. So that's where the staff sits, and certainly we're willing to go ahead as a group and I hope I haven't left anything out. I'm sure people will correct me if I have. But that's the dilemma that the staff is in and we're trying to make sure that going forward we're spending the resources that we have in the best possible way so that the Committee gets what it would like and we're open to any type of a discussion and any questions that you may have.

Alderman Forest stated I guess the dilemma we're in is that we're thinking of selling one garage, we haven't renewed a contract on the other and then the third one is in limbo. I know I was the one who originally brought up selling one of the garages. I don't regret doing that. I just regret the problems that have led to that suggestion. But how do we put out an RFP when maybe one third of the Board wants to sell, the other one doesn't. It's kind of difficult for me to understand how we can do that.

Mr. Clougherty stated it's difficult for you Alderman because...you can imagine the staff. What we're trying to do is keep...we've got a number of balls in the air. We've got the actual work that's being done on the sale of the one garage and that's proceeding on a particular time table, and certainly we'd like to get some of the appraisal work that we talked about at the last meeting done because that might be something integral to the RFP if you decide you don't want to sell that and include that in an RFP for management purposes. There's a lot of things that can happen and if your priority is to bring closure to sell, then let's do that, then we know what to include in this RFP. If at the same time you want to do a comprehensive RFP of all of the parking, then while we're pursuing on the one front the sale, we can be doing those other pieces that really is a lot of work for

Tom and his staff to pull together, but if that's what the Board wants, then we should be doing that now so that when we get out in time we bring closure to some of these other issues, we've got a document that we can release and be efficient about it.

Chairman Sysyn stated I myself personally think that we should hold off for now until we decide whether we're selling the other garage and what we're doing.

Mr. Clougherty stated and that's fine if that's what the Board does. We just don't want to stop and later on find out we've got to make up for some lost time. So if there's some tracks that people want to pursue, then simultaneously we should be doing some work on that. I guess we're looking at the scale of this that we'd like some direction on.

Alderman Osborne asked where do we stand now on the Canal Street garage?

Mr. Clougherty replied well as you know we're waiting to get some updated information as a result of the appraisal. We're waiting on that.

Alderman Osborne asked did we have a price come in at \$2.4? Was that the last?

Mr. Clougherty answered we have not gotten any final pricing on that. We're still doing appraisals on that.

Alderman Guinta asked is Canal Street the one you're referring to when talking about the sale?

Mr. Clougherty answered yes.

Alderman Guinta asked and then when you say parking, you're referring to parking management?

Mr. Clougherty answered right. Because what happens Alderman, say we sell that, do you put out an RFP and say to a management company we've got three garages that we want you to bid on but understand we may sell one and the Center of New Hampshire agreement is such that if you reach an agreement on that management, that may be taken out too, so you're really only bidding on one. And we may take a put that together with some of the Airport, but we don't want to do that for two years because we've got a contract. You can see it starts to get to be a rather convoluted RFP that we send out for all of our parking facilities until we make some sequential decisions.

Alderman Guinta asked how many garages...what's the name of the management company?

Chairman Sysyn answered National.

Alderman Guinta asked National is managing how many garages in the City?

Chairman Sysyn answered I think two. The Canal and the Victory.

Alderman Guinta stated and the Airport is a separate agreement. So let's put Airport aside. So they're doing Canal and Victory. So then I would assume we're setting aside the Center of New Hampshire as well. Really we're down to two, and we're thinking about selling Canal, so why don't we put an RFP out for Victory?

Mr. Clougherty replied that's fine if that's what the Board would like us to do we...that's easy, we could certainly do that.

Alderman Guinta asked well what was the RFP that we put out a year ago?

Mr. Clougherty answered the RFP at that time; there wasn't the consideration of the sale at that point.

Alderman Guinta asked we put it out for two garages?

Chairman Sysyn replied yes.

Alderman Guinta asked can you put an RFP out with the understanding that one garage may sell? Or is that...?

Chairman Sysyn replied I wouldn't want to do an RFP on something if you're going to sell the other one. If I were a management company I don't think I'd bite on your RFP.

Alderman Guinta asked is that your position that a company is not going to send in a proposal if they understand one of the garages is possibly up for sale?

Mr. Clougherty stated we can RFP the one. Now we can send out an RFP with the caveats as well. We're just not sure how much a response you're going to get to that.

Alderman Guinta stated we're sort of at a dead end right now with Canal anyway. Aren't we? Isn't there a requirement by ordinance that precludes us from selling the garage for under it's assessed value?

City Solicitor Tom Clark replied it's not an ordinance. It's a general law of State that if you're holding property in public trust you have to get fair market value. Right now you're in the process of getting your own appraisals revised. The appraiser that came in and gave you the figures a couple of weeks ago, didn't do the complete appraisal and he has to go back and finish it up.

Alderman Guinta stated wait a minute. That doesn't make sense to me. We asked for an appraisal, the appraisal comes under the assessed value so we tell the appraiser that you didn't do your job?

Mr. Clark answered he didn't do his job because he only appraised by one method.

Alderman Guinta stated and we asked for three.

Mr. Clark stated it's the income approach and we...

Mr. Clougherty interjected I think we should probably talk about that. We maybe need to do that in a way that it would protect our competitive position. And the point that Kevin reminded me of is that obviously depending on how many of these you bundle together is going to effect the price. They want to see more of these, not less of these in order to get the economies that they think are...

Alderman Guinta stated well my position has sort of remained the same, when you're talking about the management of the garages, my position has remained the same. Which is, I don't think the current management company is doing a good enough job. So I absolutely am looking for an RFP, at least for Victory. But I don't know what the Board wants to do in terms of this issue. We clearly need to have either some new innovations from the current company or we need a new management company. One or the other. We can't just sit and wait and wait and wait.

Mr. Clougherty stated I don't disagree with you Alderman. Our recommendation of staff was to go that way; however, it would seem to us that we bring closure to the issue of selling the garage before we release the RFP. Simply because...which we think is going to happen rather soon.

Alderman Guinta asked bring the closure of the sale of Canal Street?

Mr. Clougherty replied right.

Alderman Guinta stated see the problem is this Committee can't do that. I don't think it's....

Chairman Sysyn asked what do you mean we can't do that?

Alderman Guinta answered this Committee I don't think can speak for the Board. Again, what Alderman Forest said is that we have three competing opinions of the full Board in terms of the sale of the garage.

Mr. Clougherty stated then maybe we need to have this discussion at the full Board level too Aldermen. Just so the staff isn't running around pulling together a lot of RFP's that aren't going to get issued and confusing vendors out there in terms of what we're trying to do.

Alderman Guinta stated the last time we talked about this at the full Board meeting, was it referred to Traffic?

Chairman Sysyn replied they set up a committee, and this is your special committee that has been working on this. There's Kevin and Tom, Mr. Thomas and Kevin Dillon. That's your committee out here, but I don't see how you could put out an RFP unless if you have everything settled.

Mr. Clougherty stated part of the problem we have is that you have a committee do and then there have been other actions to bring other things to the forefront. It just makes it more difficult for us to try and evaluate exactly what it is that the Board wants. Because we could spend a lot of time on this trying to work out schedules and we just need to get some closer direction. It's not that we're reluctant that we can't turn it around faster, but understanding that if you want the full RFP will all of the surface parking, then Tom does have some issues there and that may stretch it out, but if it's just a parking garage, we could probably turn that around once we know exactly what the scope is.

Alderman Forest stated Kevin you were talking about there were rumors about combining a lot of things; I asked a couple of months ago about a parking controlled manager. I've traveled to Concord, Portsmouth, I've talked to people in Portland, Maine. They have it. Someone called me and said I was trying to take their job away; I'm not. What happens, and for me it's to save money for the City, the Traffic Department puts in the meters, collects the meters. The Police officers and parking control officers give out tickets, I don't know if it goes to Finance or directly to Ordinance...

Mr. Clougherty interjected it goes to the general fund, not to Finance.

Alderman Forest stated okay. There are several departments involved at collecting a parking ticket, and what I'm trying to do is sort of make it easier for the City. I know Nashua and a lot of cities and towns within the State, send their parking tickets directly to a bank, so at the end of the day, the bank has a report, we have the money and we're collecting interest. We do not. We do it in house, send it out, we're losing money. So I was looking into a way to save the City some money. So this could be a fly in the ointment to the parking garages, because I know Concord's parking control manager comes under the Police Department. Portsmouth's manager comes under the Highway Department. Portland's manager is all by itself. So this is something I was looking into to see how we can do it in the City and save the City money. So as far as the garages, that would include the garages if all of this goes the way I'd like it to go. But there's still a lot of study to it and that's why that memo was sent out a couple of weeks ago.

Mr. Clougherty stated and I don't disagree with your approach, we've said right along. Banking wise you can do all of that. It's the other organization size that you have to deal with. But I guess the question becomes, do you take a look at all of that and RFP that at the same time that we're trying to do the garages, or do you want to phase that in. Now we just want to make sure that everybody understands what the sequence is going to be and what's going to be accomplished. Because I think the expectation of the staff is that such that everybody wants something at once but nobody's looking at all of these things as they interrelate and it's problematic for us. As I said, we're not trying to duck responsibility, we just want to make sure that the Board understands how all of this could get accomplished in a reasonable sequence.

Alderman Forest asked can we, and I'm asking this to the Clerk or Tom, can we as a Traffic Committee make a recommendation to sell a garage, sign contracts for the others, and separate it that way? Or...

Chairman Sysyn replied no, you have to wait until you sell it, I think. Well I would think so. That you'd have to wait until you sell it.

Mr. Clougherty responded the full Board has to act on it.

Alderman Garrity asked Kevin or Tom, I don't know who has the answer. When is the appraisal supposed to be done on Canal Street? Finalized?

Mr. Clougherty answered my understanding is that they went back early last week and that he's proceeding on that and we hope to have it, I thought they said by the end of next week. But again, Alderman, I'd have to go back and check on that.

Alderman Garrity asked Madame Chair are we meeting in the first week of September?

Chairman Sysyn replied the second week. The Traffic Committee will meet the second week in September; the first Tuesday will be full Board. I would think that you could table it until then.

Alderman Garrity stated it just doesn't make any sense to do it before we decide what we're going to do with Canal Street.

Alderman Garrity made a motion to hold off on the RFP's until we decide what we're going to do with Canal Street garage. Alderman Osborne duly seconded the motion.

Chairman Sysyn asked is that a motion to table?

Alderman Garrity asked is it on the table still?

Deputy City Clerk Johnson replied it's not a tabled item at this point.

Alderman Forest asked can we have a discussion on that first? I think that Frank Thomas has something to say before we vote.

Public Works Director Frank Thomas stated I think that that's a fine action. What I was going to mention the staff committee that was working on that. We did have more or less a recommendation similar to the action that you took. We were going to recommend that the existing management contract be extended to the first of the year, because I guess it expires the first part of September, and that in the interim a determination try to be made on whether the Canal Street garage is going to be sold by this time, by the fall or early winter when we would be ready to put out the RFP, and we have a determination on the Center of New Hampshire negotiations that are under way. So, by postponing and extending the existing contract to the first of the year, instructions for us to put the RFP out in late fall, early winter, have a determination by the Board of Mayor and Aldermen on Canal Street and the Center of New Hampshire. At least that would give us a package of what we would put out for the garages. We would further recommend that down the road that this Committee here look into what potentially you'd be wanting to do with the meters and on site lots. But I think the initial concern is the garages, to get those squared away. But we need a determination in order to know what's happening before we can get out that RFP. So that was going to be our recommendation, but tabling it and...

Chairman Sysyn stated so we need a motion to table this.

Deputy City Clerk Johnson stated Madame Chair before you go any further because it's getting a little confusing as to what you're trying to do. In the first instance I believe the staff is asking, and I think you should take these as separate motions perhaps, for an extension of the contract until January. I would take that as your first motion and then we can move on from there to instructions to the staff.

Alderman Forest moved to extend the parking garage contract until January 6, 2004. Alderman Garrity duly seconded the motion.

Alderman Osborne asked what happens if we don't extend it?

Alderman Guinta replied the same thing that we've been doing the past year.

Mr. Thomas stated it expires in September and you would have to continue extending it out on a month to month basis. If you think that a determination on the Canal Street garage and the Center of New Hampshire garage is going to be made within the next few weeks, then you could go month to month. But realistically if you're looking at one can you get an RFP out and results back in and a contract awarded, realistically you're probably talking the first of the year now. Especially where these determinations haven't been made yet.

Alderman Guinta stated we have a meeting on Thursday night. If we get unanimous consent on Thursday night to discuss this issue, we can discuss this issue and make a determination.

Chairman Sysyn stated I'm not staying that long for that meeting because Mr. Forest has fundraiser.

Alderman Guinta stated I know, that's fine. But out of principle, I don't want to keep extending this contract, because six months ago we were going to try to resolve, so if we're all going to be here Thursday night, or the majority of us are going to be here Thursday night, why don't we discuss it under unanimous consent, give City staff the direction that they're looking for, and get this done.

Chairman Sysyn called for a vote on the motion to extend the parking garage contract until January 6, 2004. The motion carried with Alderman Guinta duly recorded in opposition.

Deputy City Clerk Johnson stated before you table it I just want to be clear about this. Is it the intent of the Committee that the staff come back with the RFP's for

review? It was sounding like you were just going to proceed and I just want to make sure that everybody's clear about who is doing what. There was discussion about...they're awaiting the Board's decision on the garage. I understand that.

Mr. Thomas stated I believe you just tabled...

Deputy City Clerk Johnson interjected they haven't tabled yet. They are about to do that now and before they table merely the discussion about it, that they're tabling because that's the item before them.

Mr. Thomas stated if the issue gets tabled, we won't be doing any work on any RFP.

On a motion of Alderman Forest, duly seconded by Alderman Osborne, on a majority vote of the Committee it was voted to table this item. Alderman Guinta was duly recorded in opposition.

Deputy City Clerk Johnson asked did you want to make any recommendation to the Board in terms of trying to make a determination on the Canal Street garage by say the first meeting in October? At least to set some time frames?

Alderman Forest replied I think what we're waiting for is the appraisal of the garages. That's what we're waiting for, correct? So as soon as that comes through we can probably bring it back. So I make a motion that we wait for the appraisals and then make a decision then.

Chairman Sysyn stated because we'll have another Traffic Committee meeting before then.

Deputy City Clerk Johnson asked do you want the Traffic Committee to take it up before it goes to the Board, or did you want that to go right out to the Board?

Chairman Sysyn answered right to the Board.

Deputy City Clerk Johnson stated okay so everybody's clear about where it's going.

Alderman Guinta asked so if I understand this correctly, we're not going to look for unanimous consent on Thursday evening, so to allow Aldermen to go to a fundraiser? That's the decision that this Committee is making?

Chairman Sysyn replied the reason I said that I would go to this special meeting because you needed so many votes to go to this special meeting.

Alderman Guinta stated I didn't need so many votes. It didn't come from me.

Chairman Sysyn stated and I also have a son coming in from California, and I think out of respect to Alderman Forest we should...they said they would try to cut it as close as they could.

Deputy City Clerk Johnson asked so the recommendation is that staff report regarding the Canal Street garage directly to the Board?

Chairman Sysyn answered right.

Mr. Clougherty stated just so we're clear, we'll talk about the three issues, the comprehensive and bring all of those up.

Chairman Sysyn stated and also Mr. Guinta the whole purpose of that meeting is to discuss Gill Stadium no garages.

Alderman Guinta replied right, but you can ask for unanimous consent at a special meeting, as I understand it to discuss anything you want.

Alderman Forest stated it won't be unanimous. I won't be there, so it won't be unanimous.

Alderman Guinta stated well I think it's unanimous of the people who are present.

Mr. Clougherty stated all of the Aldermen, not just the ones present.

Alderman Guinta asked so fourteen Aldermen have to be present? But you could suspend the rules? So there's a way we could talk about this Thursday night, is my point, and expedite the issue that we've been talking about for a year. And then maybe do the work of the City and save some money.

Chairman Sysyn addressed Item 12 at this time.

Report, if available, from the Building Commissioner and City Solicitor regarding speeding up the demolition process.

Deputy City Clerk Johnson stated I know that the process was started by Leon and there is some work being done on that. Unfortunately he's on vacation and so we don't have...Max is here and maybe he wants to address it, but it's my understanding that they have not received the reviews back from everybody.

Chairman Sysyn stated they will give you a written report at the next meeting and the recommendation.

City Solicitor Tom Clark stated Leon has prepared an ordinance based in part on Concord's ordinance to help deal with nuisance buildings, which would require the monitoring by various other departments such as Police, Fire and the Assessor's. It looks like it's going to be a workable ordinance and it probably will help. We have sent that out to the various departments for comments, unfortunately Leon is on vacation right now. I would suggest that we come back to the next meeting with all of the comments done and the final version.

On a motion of Alderman Osborne, duly seconded by Alderman Forest, it was voted to table this item until the comment results from the departments are collected and brought to the next meeting of the Traffic Committee along with the final version of the ordinance.

Deputy City Clerk Johnson stated it was my understanding that you wanted to address Item 10 because there are people present that I think wanted to hear that discussion.

Request to establish 10-MPH speed limit in alleys.

(Note: Ordinance amendment to be handed out at meeting.)

Deputy City Clerk Johnson stated we did review the State law with the City Solicitor's office and we've prepared an ordinance that we have placed before the Committee. Basically the ordinance will provide the authority for the regulations to be established. It does have to go through the complete ordinance process. In the mean time, we also spoke with the Traffic Director who agreed to work with the Highway Department, because the way the legislation reads we actually need to list all of the alleyways that we're going to include in the 10 MPH speed limit. And then they would need to be posted before it becomes effective. The Traffic Department was going to come up with a list for the next meeting and work with the Highway Department to make sure about public status of streets and so forth, so we don't run into any other complications in that process. But in the mean time, we were looking for the Committee, if it so desires, to have this go forward to recommend that the Board refer it to the Committee on Bills on Second Reading for technical review.

On a motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted that the recommendation of the Committee to establish a 10 MPH speed limit in alleyways be forwarded to the Committee on Bills on Second Reading for technical review.

Chairman Sysyn addressed Item 6 of the agenda.

Communication from Bruce Thomas, Engineering Manager, regarding a request to partially close Raiche Lane.

Deputy City Clerk Johnson stated this actually is a report that had been requested from the Highway Department by the Committee some time ago.

On a motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to follow staff recommendation not to close the street and further recommend that the homeowner install bollards to provide some protection to the garage.

Chairman Sysyn addressed Item 3 of the agenda:

Presentation on proposed traffic calming measures at Southern New Hampshire University.

(Note: Report forwarded to Board of Mayor and Aldermen under separate cover and available for viewing in the Office of the City Clerk.)

Steve Long, O'Connor Construction, stated I have Chris Morris from Southern New Hampshire University with me here tonight. Just to give you an idea of where this site is. This is Southern New Hampshire University's campus on North River Road, Route 93 is here, the Merrimack River is here, North River Road is here, Martin's Ferry is here. Currently their main campus is on the west side of North River Road. The college over the past few years has obtained various pieces on the east side of North River Road and has combined all of these pieces into one large piece and is now starting to develop this portion of their property. The first project that we have started, and have presented to you and Hooksett, is a 192 student apartment complex in two buildings located on this road, which is currently cleared and under construction. As part of the planning process, Hooksett Planning Board had TEP, LLC do a traffic study for this project and look at the campus development over the next 20 years and how that would effect North River Road. And what they found in their study was that the road was capable of handling all the added traffic in the next 20 years for the projects that are proposed and the additional students for the college. But the major problem with this road is that the speed limit is too high and what they have suggested and Hooksett has agreed to on the Hooksett part of the road; this is the town line here, this is actually the southern main entrance to the campus, this will be another main entrance to the campus where this access road is, and this is the northerly area where the graduate school is. And what they have suggested is a traffic calming measure of speed tables, which is sort of an extended speed bump, where

they'll be a ramp, that's approximately three or four inches high, there will be a long flat area, which we're proposing across the intersections here, and across this crosswalk here, and there's another ramp that goes down. And with those and other enhancements that they're asking for, such as, a gateway entrance or signage at each end of the campus. They feel that that will reduce speeds in that area and they've also suggested that we lower the speed limit in Manchester. Currently it's 30 MPH from the town line, across the bridge, and then I believe at Derryfield it changes to 20, and from the town line through Hooksett it's 25 MPH. And that's an overview of the project. We wanted to present it to you. The Hooksett Planning Board asked us to present it to Manchester because one of these entrances is in Manchester, if it is okay for us to do that.

Alderman Osborne asked are there are residences from one point to the other point on North River Road?

Mr. Long answered there's a residence here and here. I believe there are only two residences, all others are college owned buildings.

Alderman Osborne asked the rest of it is all Southern New Hampshire University?

Mr. Long answered yes.

Alderman Osborne asked and leaving the speed limit there what? You're talking 20 MPH? Where you speed bumps are supposedly going to be?

Mr. Long answered yes, reduce it to 20. From here it's 25 and in talking with Tom Lolicata in the initial meeting, I guess the speed limit at Derryfield School is 20 and that's what the speed limit will be in Manchester.

Alderman Osborne stated I'd like to here from Tom after.

Alderman Garrity asked repeat where you want to speed humps again?

Mr. Long stated there's a main entrance here, which is right near the gym and tennis courts, there'd be a speed table here where this road is proposed and the reason this is proposed here, it's sort of in the middle of where the campus is...

Alderman Garrity asked are you proposing any speed humps on North River Road at all?

Mr. Long answered yes, they're on North River Road.

Alderman Garrity asked how do we get to this Tom? North River Road and get speed bumps in the south end of Manchester?

Traffic Director Tom Lolicata stated I've already had two or three meetings with these people, the Chief as well as the head of the college. What they've come to say is, right on this borderline in our part in Manchester, they want to put this hump. The hump is going to be on the Manchester line.

Alderman Garrity asked on North River Road?

Mr. Lolicata replied right. I'm against them. You know how I feel about humps and in the college area I could give you another few reasons why, but I'm not going to go into that right now. The speed limit, I talked specifically about speed limits with them first of all, our speed limit in a school zone is 20 MPH in Manchester, ten miles below your speed limit for the City.

Mr. Long stated it's posted 25 along this road.

Mr. Lolicata stated I'd be willing to help out as far as the speed limit, after Derryfield and putting 20 which is normal for Manchester to help going into that college. That's where I'd stop.

Alderman Garrity asked you would stop where? At the Manchester/Hooksett line?

Mr. Lolicata replied actually the Manchester line and that's where I would stop. Everything after that is under the rule of either the State or Hooksett Township.

Alderman Garrity asked Tom so what is your recommendation with the speed humps?

Mr. Lolicata answered no. I'm against them all in our own City. I'm afraid of a college down there, of people, and I've seen it done with a street that's like a hump, never mind putting a hump in there. I won't put the City in liability. Those are my feelings and that's why I'm against these.

Alderman Forest stated as far as the speed limits, I go along with that 100 percent. There's Derryfield School just south of there and plus the college. The speed bumps you know how I feel also and this gentleman was talking about more of a ramp than a speed, and for me that would be even more...the liability would be even more. It's a shortcut. I take it to avoid Daniel Webster Highway and it works good. You have all kinds of pedestrian signs there which I know slows me down, but the speed there is still faster than the 25 MPH and I plead guilty to that too. I followed cars that are faster than that. Not above 40 though. So I would go

along with the speed limits and the enforcement of those speed limits, but the speed bumps, like you say I've seen accidents hitting those things and winter time for our highway crews it destroys equipment and teeth, that's from hitting a steering wheel, so I wouldn't go along with the speed bumps. That's my comment.

Mr. Long asked how about something at this intersection, not a speed bump but just extra pavement that was a different color just indicating that this is a major crosswalk.

Alderman Forest stated one of the things I've seen and I think it works well. I don't know how we could do it or implement it, but the State now on the highways I see they have those tank tracks on the road. You hit them and they sort of wake you up, I'm not sure what they call them, but they're like grooves in the road along the breakdown lanes so if you cross over that white line you hit it. If there's a possibility of doing something like that, maybe at different intervals, that would be fine.

Mr. Long stated yes I talked to the traffic engineer that prepared the report and he said at that speed it's doesn't really work as well and it's a noise in the car and out of the car. So if you're going through this college it's going to make this noise.

Alderman Forest stated well I'd rather have the noise than somebody wrapped around a telephone pole.

Mr. Lolicata stated of this progressive 20 year plan of the college, one of the first things I would think about would be putting sidewalks in both sides. That's the first thing. Especially for a major college. They do have one thing believe it or not in their favor, is that dip at the bottom, that curve. That does slow people down because it's so sharp and I'm recommending putting it down even lower because of that curve, to go 15 MPH, etc., so I brought that their attention. On the Manchester side I wouldn't put anything up, I'm afraid of liability. Speed zones I can help with.

Mr. Long stated to address the sidewalks a little bit. What they're proposing it he next 20 years is to have the academic buildings located here and more of the residences located on the other side of the road. So there would be crossing points here, where we're proposing these large intersections and ramps. And really the pedestrian movement would be through the campus here, so you just have these crossings in these specific locations and then movement...there's already a sidewalk that goes up here to this part of the campus and then as this develops, really the pedestrian movement will be off the major River Road.

Mr. Lolicata stated there are diamond grade signs right there. Pedestrian crossing signs right there, diamond grade, they'll see those for 2000 feet. That's something to think about.

Alderman Forest made a motion to establish a 20-MPH zone and to advise that the City will not allow installation of speed bumps. Alderman Osborne duly seconded the motion.

Deputy City Clerk Johnson stated Madame Chair, I just want to point out that 20 MPH zone can not be established without regulation and going through the Board process. I don't know what the process in Hooksett is, so you can accept the concept of it at this point but they are going to need to come back to us and tell us when they're ready to have that regulation put in, because otherwise it will never go up and be posted. I just don't know how soon...I guess I'm looking at the contractor saying is it something you want the City to do at this time, or is it something that you're talking about doing in the future. And from what I understand it's to accept the concept.

Mr. Long stated I think we'd like to change the speed limit. This project is currently ongoing with completion in approximately a year. We'd like to have something in place...Hooksett wants their ramps in place before the certificate of occupancy is issued for these buildings.

Deputy City Clerk Johnson stated then as a follow up I would also point out that in a discussion I had with Lt. Valenti, and I know that Sgt. Fournier is here as well, he was opposed as well to those speed bumps, but the sidewalk issue did come up in our discussion as well, because you do have cars that park on the street and then you have people walking all around up there as well, that goes all the way in to the Manchester zone. So I don't if that's something the Committee wants to look at a little more before it makes a recommendation on the 20 MPH, or whether or not you want somebody to look further as to whether or not you want to ask the college to do something about some of the sidewalks on the Manchester side. I think it's a matter of the Police Department and perhaps Highway and Traffic to come back with the recommendations in terms if you want to hold it up.

Chairman Sysyn asked can we refer it to Police and Traffic Carol for them to...

Deputy City Clerk Johnson answered you could do that and then you could advise...you can certainly advise the Town of Hooksett or recommend that the Town of Hooksett be advised that you would support the 20 MPH zone but there are issues with the sidewalks and, therefore, you're not taking action until we look into that matter further and do it that way if you want. Somebody is raising their hand in the back of the room. I don't know who it is.

Mr. Long stated in addressing the sidewalk issue, we already have a sidewalk that runs up as far as the main entrance along North River Road. The only other pedestrian traffic that we really incur is for the new parking lot that we have across the street from the tennis courts and if that is taken care of by the crosswalk through an internal sidewalk right onto the campus, there is really no need for any pedestrian traffic to walk up North River Road other than to go onto our campus. But that's what we're trying to address here.

Deputy City Clerk Johnson stated I think the concern was the safety of pedestrians in the street that were going up to that campus area for games and those kinds of things, that were parking on the street.

Mr. Long Stated if you're in Manchester, you already have the sidewalk there that goes right up to the main entrance.

Alderman Osborne asked what would be wrong in lowering the speed limits in the meantime?

Mr. Long stated we have no objection whatsoever. Mr. Lolicata has been very good and very cooperative in giving us some input into the situation. I'd like to remind the board that we did not request this. This is a result of the traffic study which was done by the Town of Hooksett and these are their recommendations as well as the Planning Board from the Town of Hooksett, and that's why we're here before you. I've never heard of the speed table before the traffic engineer introduced it and the Town of Hooksett adopted it.

Alderman Osborne asked what is the motion on the floor now?

Deputy City Clerk Johnson stated the motion would be to establish a 20-MPH zone and to advise that the City will not allow installation of speed bumps.

Chairman Sysyn called for a vote on the motion to establish a 20-MPH zone and to advise that the City will not allow installation of speed bumps. There being none opposed, the motion carried.

Chairman Sysyn addressed Item 4 of the agenda.

Communication from Chief Kane requesting a one-year contract extension with Rockingham Regional Ambulance Company.

Alderman Garrity asked do we have a copy of the contract here?

Fire Chief Joseph Kane replied I do have a copy of the contract here for you to take a look at. I'm also looking for advice from the Committee in regards to how they would like me to proceed. The contract is up December 31st of this year. Up until this point what I've done is I've taken the contract a run it through different City departments to see if there was any issues that they had, I pulling together a few staff to see if there was any issues. I had Kevin Clougherty go through their financial status and look over the reports that they've been giving us in the last year. I had the City Solicitor review the illegal parts of the contract and if there's any issues there. We also looked into if there's any outstanding lawsuits or legal issues with the company that we currently have, and there was none. I also gave a copy to Harry Ntapolis to review their insurance issues to make sure that their insurance coverage was proper. I also had the contract go through the Health Department to make sure that the Health Department was okay with it. I ran it through also in regards to health both hospitals, to see if there are any issues because they interface with them and basically everyone came back with the same feeling in regards to the current provider. There were no issues, everyone was pretty happy with the provider and the contract. Also we have been in contact with Nashua. There's a similar contract with them, and there contract's about six months ahead of ours and they just renewed their contract for one year and they're going to RFP next year. They'll be going out in January. The contract as it sits for the City of Manchester is a really good contract. If I was going to change the contract, there's not much in the contract that I would change. It doesn't cost the City of Manchester anything, which is the important thing. So the cost of the contract is zero. The prices that the contractor charges are basically set by the federal government under Medicare reimbursements and also by the insurance companies. So there's really not a lot of incentive there that we can go with and in regards to their financial situation, they've got about a non-collection of about 28 percent. Which means 28 percent of their people do not pay and we also have a clause in the contract that if someone can't afford to pay, they just have to write them a letter and they would look at it and drop the charges. And they have pretty much done that on every single occasion. I really don't see any particular reason for not extending the contract. The City ordinance allows us to do that, but certainly we would listen to the Board.

Alderman Garrity asked is there any revenue to the City with this contract?

Chief Kane answered no; there is no revenue to the City in the contract. We've looked into that to see if we could get revenue from that, but according to the City Solicitor's office, and Tom's right behind you, Tom Arnold has worked on these contracts for a number of years. The City can't get revenue because it would be considered a kickback. So it's against the federal law. We sit in a position with this contract where we are the envy of everyone in the business with this contract and it's really a really good contract.

Alderman Garrity asked how much is it for a ride in one of these things now? Do they have a set price or what?

Chief Kane answered yes they do have a set price. I believe it's around \$400, and then there's additional charges if you have oxygen and so on and so forth.

Alderman Garrity asked is that comparable to their competitors?

Chief Kane answered yes. The prices that are out there pretty much are fixed by the federal government and insurance companies. Those are the people that are paying them.

Alderman Garrity asked are you telling me that other companies that provide this services, it's pretty much...not the much competition? It's pretty much everybody charges the same price?

Chief Kane answered yes, the business that is out there is not really...it's a transfer business. It's not the 911 business that they pick up the emergencies. But it's the transfer business that the people really look at and that's where they make the money, when they get to transfer someone from one hospital to another hospital, from a nursing home to the hospital. That's where the money is made.

Alderman Garrity asked and that aspect of their business, because I've seen...they have transports right?

Chief Kane answered yes, that's a big part of it.

Alderman Garrity asked what is that? Based on mileage and distance and all of that?

Chief Kane replied I really don't...well I would assume that it's based on mileage and initial call mileage and the instruments that they use, oxygen or any other of the things... But I really don't know that much about the transfer business.

Alderman Garrity asked is that part of our contract to transfer?

Chief Kane answered no. We are strictly 911. We have nothing to do with transfers.

Alderman Osborne made a motion to extend the Rockingham Regional Ambulance Company contract for one year.

Alderman Garrity stated Madame Chair I have a problem approving a contract when I don't have it in front of me.

Chief Kane stated what I will propose to do is prepare all of the documents for the Board, including the contract into that document, and give it to the Board at the full Board meeting. But if you would like to I can give you a copy of the contract right now. Would you like it right now?

Alderman Garrity stated I'm not going to read it right now. How thick is it? How big is it? Twenty pages, five pages, two pages?

Chief Kane stated you will have a copy of the contract. It is 20 pages. I certainly will do that.

Alderman Guinta asked why wouldn't you recommend going out to bid?

Chief Kane answered well I think that we've got a great contract. If we go out to bid, we don't know what we're going to come back with. The other thing that I'm looking at is that Nashua's about six months ahead of us, and if we wait and let Nashua go out to bid first, then we can take Nashua's bid and bid package and prepare a better package for going out to bid. So I think that that's an issue. I think one of the other issues is that everyone is really happy with the current contractor. We work well. The people that work in the streets as I call it, the police officers, the firefighters, the EMT's and when they work in the streets, they know each other. They are very familiar with each other, and then finally, we're working closely with the current contractor in regards to homeland security issues in regards to bio-terrorism and that. There's a lot of work going on on the street with current people. So we're not going to make any money, there's not a lot of issues that I can see that are going to be changed, so I think that in this position it would be best to stay with the current contractor.

Alderman Guinta stated you said that 28 percent of the people don't pay.

Chief Kane replied right.

Alderman Guinta asked who makes up that 28 percent? Is the City in any way liable for that?

Chief Kane answered no. We are absolutely not liable for any of that. The whole operation...we govern the operation, we stand in charge of it. Financially the City is not obligated in any fashion in regards to anything. It's all up to Rockingham Ambulance, and Rockingham Ambulance also does the contract in Nashua and also is associated with St. Joe's in Nashua.

Alderman Garrity stated question for Tom Arnold. Is it required to go out to bid Tom?

Deputy City Solicitor Tom Arnold replied no. Under the procurement code a contract could be extended for a one-year period and the price doesn't increase and the terms remain the same.

Alderman Garrity stated so after this one-year extension, it has to go out to bid?

Mr. Arnold replied no, it could be extended for another year.

Chairman Sysyn stated now I have a motion on the floor but we don't have a second.

Alderman Guinta stated I think we want to read the contract before we approve it.

Alderman Osborne stated it's not costing the City anything. What are we going out for bid for? If it's not broken, you don't fix it.

Chairman Sysyn stated that a retired fireman stopped by where I work today and was very excited over how good a job the fellow did in saving that person's life at the Seven 11 across from Creamland.

Alderman Garrity stated Madame Chair I think where Alderman Guinta and I are coming from is, we're not questioning how well they do their job and how well they work with the firefighters and the police officers, I don't feel comfortable approving a contract when it's not in front of me.

Chairman Sysyn stated and Kevin has the contract. You have the contract Kevin?

Finance Officer Kevin Clougherty stated if you recall what Joe said when he first came up here that he was looking for direction, not approval and that's all we're asking for tonight is...and we've got the direction, we'll go back, we'll prepare the contract as he has said he would and that's what you want to have come back because that's going to have to get referred I think to the full Board Tom. Is that right?

Mr. Arnold answered I don't think it has to. I believe that the impression is that it should.

Mr. Clougherty stated but I think what we needed for direction tonight was, are you comfortable with us going ahead with this vendor and preparing the document. It sounds like you are. Let us do that and we'll bring it back to the next meeting and then it will go from there. So we don't want approval tonight.

Chairman Sysyn asked so it will come in to our next Traffic meeting or will it go to the full Board?

Mr. Clougherty answered no, it will come back to you guys so you can take a look at it and then make a recommendation.

Alderman Osborne asked who else do we have out there that's going to take their place? Who else is available to do what they're doing?

Chief Kane answered I'm sure there are several companies that might want to do that. I would probably look at AMR who has a facility down on South Elm Street. CarePlus who has a facility on Candia Road, and there may be others that would come from out of state, but they all would have to come in and gear up. There is no one sitting there ready to go.

Alderman Osborne stated but what we have now, we have the expertise. Which is the number one thing, expertise. That's one big thing anyway.

Chief Kane replied yes. And if I could prepare the documents and come back to the next meeting. One of the reasons why I'm here at this point in time is because we have plenty of time to do this. We're not sitting here trying to get this done at the last minute.

Mr. Clougherty stated I would add to what Joe says. If you were to go to somebody else, there's a big disruption cost on the City side of getting into a new arrangement with different protocols and training and things like that. So right now there's no expense for the service. If we went to somebody else, there would be and there would be no economic reason to do that unless the service was lousy and we're not seeing questions about the service. People seem to be happy with that.

Chairman Sysyn asked now would we table this until the next meeting?

Deputy City Clerk Johnson replied I think they'll just bring it back at the next meeting.

Chairman Sysyn asked do I need a motion to do that?

Deputy City Clerk Johnson replied no that is okay.

Deputy City Clerk Johnson stated what we wanted to do first was to bring in an item of New Business...well we'll do Item 5 because Joe is waiting for it too, and then we can bring it in under new business

Communication from Deputy Chief Albin requesting to use the Federal Building parking lot on Sunday, October 5, 2003 from 9 AM until 3 PM
For the 50th annual Fire Prevention Parade and Muster.

On a motion of Alderman Guinta, duly seconded by Alderman Forest, it was voted to approve the request.

NEW BUSINESS

Deputy City Clerk Johnson stated Madame Chair the next item we'd like to bring before you is an item of New Business, because we do have some people here. We had sent out some information from the Committee ahead of time. The cover memo says the wrong thing, but the inside is the right thing. Kevin Clougherty is also here to address that as well as the City Solicitor's office.

Center of New Hampshire Parking Garage Operating Agreement

Deputy City Solicitor Tom Arnold stated by way of background, as the Committee may be aware the present operating agreement for the Center of New Hampshire garage expired on June 30th of last year. The Traffic Committee instructed staff, consisting of the Solicitor's office, the Traffic Department, and the Manchester Economic Development Office, to negotiate a new operating agreement. I asked Kevin Clougherty to participate in that process. I think insofar as I can express it, the feeling of the staff was that we would like to take a closer look at how Verizon event parking is provided for and ancillary to that, with the beginning of baseball here in the City to look at how baseball might affect the parking and the revenue split in the Center of New Hampshire garage. Keeping that in mind, what we did is we essentially modified the present operating agreement to take into account Verizon event parking in the nature of the 50/50 split that the Board has voted on previous in April, I believe it was, of last year. Consequently what you have before you is essentially a modification of that agreement providing for the revenue split. You have in front of you two proposed amendments. The only difference between those proposed amendments is that one provides merely for the contract to be extended through June 30, 2004, the second version has an automatic renewal clause in it that was originally drafted in major part by the Center of New Hampshire's Council, Mr. Peltz, who is in front of you. He has

since submitted other language that expands on that that I've had here. I received it this afternoon when I came into the office; consequently I haven't had a chance to distribute it to the Committee. I guess what I would say is as a matter of philosophy I have always been opposed to automatic renewals in contracts and would not recommend that to this Committee, although I do have the language here if the Committee would like to see it. Reviewing what you have in front of you as you can see it extends the contract through June 30, 2004, there are a number of provisions in here that deal with the Verizon event parking. I think to put it in a nutshell, what it provides is that the Center of New Hampshire will pay to the City 50 percent of the parking revenue from Verizon events. Presently what happens is 100 percent of that revenue is paid to the City and under the Board's prior agreement, 50 percent is paid back to them. That has led to an immediate problem in that unfortunately Traffic Department's budget does not contain funds to pay the 50 percent to the Center of New Hampshire. So what the thinking was is we would reverse, not have the Center pay us 100 percent, but pay us the 50 percent we're going to retain to deal with the issue of Traffic not having the money in their budget. It goes on to provide that that will be paid to the City on a daily basis. I would recommend one brief amendment to this, rather than the day following, which might be a week-end day, I would say the first business day following a Verizon event that we are paid the 50 percent of the Verizon event revenue. What it goes on to provide is that on a monthly basis, once the extra expense in terms of wages, that type of thing, for providing for parking during Verizon events, once a month the Center of New Hampshire will provide to the City a detail of what that expense is and on a monthly basis the City would then pay to Verizon 50 percent of the expense of providing for the Verizon event parking. In Paragraph 6, as you can see, there is a slight increase in the fee that is being paid to the Center of New Hampshire to operate the parking garage. Presently I believe it's \$1,320 a month, they're asking for an increase to \$1,386 per month. I think in a nutshell that's what this operating agreement provides for. I'd be glad to answer any questions if you have any.

Alderman Garrity asked Tom so it's your recommendation that we approve the first one without the automatic renewal?

Mr. Arnold answered that would be my recommendation, yes.

Mr. Clougherty stated as Tom stated, I'm not a member of the committee that this has been delegated to, he asked me to take a look at some of the numbers, and to refresh the Committee's members you'll know that I am not a supporter of the original business deal. I don't think it's a good deal for the City when it was brought to the Board last year, and I still don't. I think the proposal that's being presented, that I received yesterday afternoon and got a chance to look at, really tries to sidestep the appropriation law. Because you don't have the money

appropriated, we're going to let them collect all of the money and then pay us back. I never think that's a good idea. Again, I'm not a member of the committee, the item of business tonight asked that I come and give a report and that's why I'm here, and my opinion has not changed. I have a lot of respect for the two gentlemen next to me, I think they did a great job of negotiating for their side, but I just don't feel that's a good deal for the City.

Alderman Guinta asked can you talk to me about the appropriation law that you're referring to?

Mr. Clougherty answered usually the way it should work Alderman, is that you appropriate in the Traffic Department budget the money that you're going to be paying the center. That's the way it would work. You would put in a number there that would be based almost the same way that we do with our health insurance audits. You say all right, we're going to appropriate up to a certain amount of what we receive. That was not done, so consequently they don't have enough money in their budget to make the payments that this document would require. So because they don't have the money appropriated in their budget, and all of that revenue has not come in as a revenue on the City side, what the proposal does is says, well don't worry about it City, we'll collect all of the money and then we'll make a payment to you. So there's no payment that has to come from the City and ergo no appropriation control. Where the last umpteen years, we've received those dollars and that was somewhat of a control, so that we received the money and you knew what it was. Even during the time when we didn't agree with the payment, at least you knew what all of the revenue was coming in. That's not to say that we're in any way denigrating the efforts of the group here, just saying as a matter of public process, we'd like to have that money come to the City. Now we understand that there can be deposit slips, but as a matter of practice, we would prefer the money coming to the City.

Alderman Guinta stated okay, two points. My first point would be, or first question, do we have any relationship with anybody, does the City have any relationship with anybody where we have a similar arrangement? Fee arrangement or payment arrangement that's being expressed in this contract?

Mr. Clougherty replied I don't think so. Tom are you aware of any? I'll research it Alderman and I'll certainly take a look at it. It's that I just got this yesterday afternoon, I'll be happy to look at that.

Mr. Arnold replied I couldn't answer that question off the top of my head. Nothing comes immediately to mind, but there are probably other instances in the City where the City's share of revenue, so to speak, are paid rather than the whole 100 percent.

Alderman Guinta stated that's my question.

Mr. Arnold stated I couldn't give you a specific instance of that at this point. No.

Alderman Guinta stated and I just sort of want to clarify whose idea this is. I don't know that this is coming from the Center of New Hampshire. I think this was an idea that was created out of the payment problems that we've had over the last year. So I want to make sure that this Board is clear that this is not necessarily something that the Center of New Hampshire came up with. If I recollect...and maybe they had the idea, or maybe they...but I can think of several other people who brought this idea forward. So I don't want there to be a misunderstanding about whose idea this is. That's just for the Board. We have an internal auditor? Correct?

Mr. Clougherty answered right.

Alderman Guinta asked could that internal auditor audit receipts or however this payment process is...this transaction is completed?

Mr. Clougherty answered one of the things that we did was have the internal auditor get involved in this process and when we talked to them, it came down to how can you go through and do a good audit of this? And I think the reason that Tom is saying he'd like to extend this for a year, so that we can look at some other way of approaching this with new technology or something like that. But we don't have that now.

Alderman Guinta stated okay I don't know that that answers my question. Let's assume that we approve this agreement. We have an internal auditor that could review the transactions to ensure that we're being paid appropriately. As opposed to us appropriating a figure. Putting in the budget...

Mr. Clougherty stated right now all of the dollars that are collected are tied to...and again, this is probably a question we could have Denise here...all of the revenues are deposited to an account that's controlled by the City. So we know what all of the revenues are. What you're asking for us now is not only to get all of the revenues but have them collect the revenues, give you some information, then we're going to audit it and we'll get a check. That could be an expensive proposition. I would have to go back and think about how we would do that.

Alderman Guinta stated I talked to Kevin and Kevin said he could do it.

Mr. Clougherty replied he hasn't talked to me about it.

Alderman Guinta stated I asked him informally, so I proposed a hypothetical...I'm not trying to get him in trouble. But I proposed a hypothetical to him and I said I didn't even tell him what I was talking about, what issue I was referring to. He said hypothetically it could be done. Secondly, I think this probably is before us because he said he wasn't making payments and this resolves the issue of not honoring our obligations in a timely fashion. Unless there's a better solution, I think that this probably makes sense for us to enter into some sort of an agreement.

Mr. Clougherty stated the City had an agreement that the Board approved and, as you know, we could not make those payments until that was formalized in the form of an agreement and once that was taken care of and we had the legal documents, then that payment was made.

Alderman Guinta asked so are we making monthly payments then, or weekly payments?

Mr. Clougherty answered it was up through the end of last fiscal year, there are expenses occurring for the first two months I would guess under the existing agreement that are not being paid because there is no appropriation. And that's in part why I think they're trying to come this.

Alderman Guinta asked so we have two options. Make the appropriation or we come up with an alternative agreement and we make the appropriation right now? Wouldn't you require a supplemental budget, which is not allowed?

Mr. Clougherty responded right.

Alderman Guinta asked so if we don't make...?

Mr. Clougherty interjected there's not a lot. I mean you could do a supplemental appropriation but you've got to show that you've got revenue and you don't have any extra revenue from this because you've given all of the revenue away to them.

Alderman Guinta asked so essentially we're going to have the same problem...but we're not going to make another payment for...because the revenue is not there to begin with?

Mr. Clougherty stated unless it's provided for in the Traffic Department budget as they did in the previous fiscal year. It was not made...

Alderman Guinta asked that's not in this current fiscal year?

Mr. Clougherty answered right. They were able to generate savings and things with respect with their operations to make the payment.

Alderman Guinta stated I completely understand your issue about appropriations and making sure that the appropriation is accurate, but A) we don't have the appropriation, we don't have this budgeted, so as a result, we're not making an appropriation, which means in my view, we are not adhering to a contract, we're not honoring a contract that this Board approved some 18 months ago. So to me this is a reasonable alternative. And you know what, then the City gets some money. Rather than Tom having to worry about how much...

Mr. Clougherty interjected we get all of the money now. The issue is...

Alderman Guinta interjected but apparently it's in thin air because we don't have the money to send to the Center of New Hampshire.

Mr. Clougherty stated what I'm saying to you Alderman is I don't disagree. I should have been appropriated. Second of all, and the fact that it isn't appropriated, two wrongs don't make a right.

Alderman Guinta stated but this is not wrong. You just disagree with...it's not necessarily wrong...there's two issues. I don't want to keep separating your position on the agreement, because to me...and I completely understand your position and that's valid and I value your opinion. But because the Board...my feeling is because the Board approved the agreement, we should honor the agreement. So we've got to come up with a way... And you agree with that?

Mr. Clougherty answered no I do Alderman. My understanding of the way this should have worked and we've talked about this, was that the expectation of the Board was yes you pass this agreement, in was an interim agreement because you knew that you had a much bigger agreement that you're going to have to deal with, instead of dealing with lease, you can deal with the management agreement. And now we're saying we're going to put off dealing with the management agreement for another year. I would just as soon deal with it now and get it taken care of. Instead of pushing it off for a year, let's get it resolved.

Alderman Guinta asked which management agreement?

Mr. Clougherty answered the operating agreement. All this does in my opinion is just push things off for a year and we should just get it resolved now.

Alderman Guinta stated just push off for a year the agreement that we agreed to in April of 2003.

Mr. Clougherty answered right. So my thing is why...

Alderman Guinta asked when does that agreement expire?

Mr. Arnold asked the present operating agreement?

Alderman Guinta answered yes.

Mr. Arnold replied there is no present operating agreement. The operating agreement expired on June 30th of last year.

Alderman Guinta asked so what did we agree to in April of 2003?

Mr. Arnold answered what you agreed to was an agreement to divide the revenue from Verizon.

Mr. Clougherty stated that certainly is part of that agreement, that management agreement if there was money owed. If you decided in another month, after you came back with this, to consummate this deal, and you felt that you still owed, or you wanted to perpetuate what's in here at the end of that, then fine. Then that is a commitment and we'll have to take that out of contingency or we'll have to do as we have with other commitments, Alderman, find those dollars in other department budgets.

Alderman Guinta stated I understand that. But that's exactly what I don't want to have to do. I don't want to have to go to this Board and say we need X amount of money in contingency, because we don't have the money appropriated. If the Center of New Hampshire collects the revenue and sends us a check, we actually have money. We actually have a receivable, as opposed to going to contingency or asking Tom or asking every department head to come up with a quarter of a percent to pay this bill. So at least in the short term, to me this makes sense because we don't have the issue of trying to find money that doesn't exist.

Mr. Clougherty stated we get the revenue anyway Alderman so it's just a matter of making it...

Alderman Guinta stated okay if we get the revenue, why are we not sending them a check; we didn't appropriate it in the budget, I understand that. Where does the money go? You give me \$100 and then I owe Mike \$100 but I don't have the money to give him. Where did the \$100 go?

Mr. Clougherty answered it's in the revenue account as a general fund item.

Alderman Guinta stated it's not being managed properly then.

Mr. Clougherty replied it's being managed, it's being brought in, it's being invested, it's just the appropriation isn't there. The problem is on the appropriation side, Alderman, that's what needs to be taken care of.

Alderman Guinta stated I like the agreement that's in front of us. I don't know if the Center of New Hampshire agrees with it, but I think this is a reasonable solution because of the time that has elapsed and trying to get payment done. We've had extensive conversations about it throughout City Hall and my personal position is that A) we should honor the agreement from 2003 and B) we should continue to be good business partners with entities within the City, and Center of New Hampshire is one of them and we should at least come up with something that is reasonable. If in the future we want to do something with the operating agreement, this agreement, that's fine, but in the meantime, I'd like to see some consistency with respect to financial agreements or understandings.

Alderman Lopez stated I just want to make a couple of comments to the Committee before they take any action. Before that, Tom did I read the contract correctly that 50 percent, then at the end of the month they will send us the expense and we will pay it out of our 50 percent. Am I reading that correctly?

Mr. Arnold answered I think so. What the agreement provides is that the Center of New Hampshire will on the first day, it presently says day as I said, I would recommend that it be a first business day, after an event will send us 50 percent of the revenues, of the gross revenues from the event. At the end of the month when the Center of New Hampshire has tallied what the extra expense was for providing that parking, we will then pay the Center of New Hampshire 50 percent of that expense.

Alderman Lopez stated I remember the 50/50 because the books were very bad and nobody could come up with an actual figure, and it was presented to the Board with a recommendation that we do a 50/50 in order to solve a problem until we get to an operating management agreement. You know we've got 400 spaces over there, we also have finances to the civic center and I'm wondering if we are getting the best deal. When I hear that the Finance Officer was not involved in any of the negotiations, I don't know what accounting experience some of the people had in negotiating such a deal, so I as a member of the Board would not know financially whether or not this is a good deal for the City in conjunction with the operating agreement with the Verizon or 400 spaces, what type of costs, and everything else, and I wanted to bring that to the Board that I just don't understand how we can vote on something that I hear Jane Hills and a couple of other people were involved without the Finance Officer involved, or giving his financial or

spreadsheet as to whether or not we as the City are getting the good deal. I just wanted to bring that to your attention, because I do not believe when we voted as a board to give 50/50 some people were supposed to iron out this whole operating management agreement with the Center of New Hampshire and I just don't believe it's been done.

Alderman Forest stated I just wanted to make some comments also. I think when we had the meetings as far as paying the Center of New Hampshire the money we owed them, they were supposed to be worked out. They worked out fairly well, but in this contract again where Alderman Lopez says and the rest of the Board is voicing their comments, I don't think I like this. I think what I'd rather have is to go back to something involving Kevin and Finance and renegotiate this and then have them come back to us with a working contract that we can agree on.

Chairman Sysyn asked would you like to make that a motion?

Alderman Forest replied I'll make that into a motion if somebody can understand what I said.

Alderman Guinta asked please explain it.

Alderman Forest stated what I'm saying is, I don't think there's anybody on this Board right now that likes this contract.

Alderman Guinta stated I do.

Alderman Forest stated okay then that's one member of the Board. I think some of us are...

Alderman Guinta interjected well wait a minute. The full Board of Mayor and Aldermen approved...are you talking about the contract in front of us or are you talking about...?

Alderman Forest answered I'm talking about the contract in front of us. I don't particularly like this 50/50...this money that they keep...they end up using the money for what they do with their events, and then when they're done they're going to give it back to us. And that's the way I understand it. I just want to just table it and have them work this out where we can agree to it.

Alderman Guinta stated wait a minute. Let's hear from the Center of New Hampshire before we table this. Maybe we need to have a full understanding of what the contract means. Essentially the contract in front of us is changing the way we transact with Center of New Hampshire. That's really, I think, all it does,

but maybe the Center of New Hampshire can give their opinion. Can we have Tom to provide additional information if everyone's okay with that.

Burton Peltz stated I am in house counsel and clerk of JPA One Management Company, the Center of New Hampshire. I'm sure you're all aware that on April 16 of 2002 the full Board voted, the Mayor signed, stating that the committee recommends that the City Solicitor be authorized to prepare an amendment to the Center of New Hampshire Garage Operating Agreement providing such arrangement. Namely the 50/50 split. This was April 16 of 2002. Many, many meetings, well I shouldn't say many, two or three meetings were held in the winter of 2002-2003. I came up, as did another officer of JPA One. Tom Kane the general manager was here, we had local counsel who also attended, and Kevin Clougherty was there, and there were other people there. An attempt was made as to how do we implement this agreement, the 50/50 split. Kevin explained that without an appropriation that could not be done. We talked about it. We were, and I will use the word assured, that the fiscal year 2004, commencing July 2003, there would be in the budget they would put in a dollar amount to cover 2004 as well as all of the arrearage from April 2002 through June 30, 2003. Many, many times, and I know Tom Arnold I'm sure will verify this, I asked him has the appropriation been put in yet. The answer was either I don't know or not yet. I was told it had to be in but I'm not sure if it's either the beginning or the end of April in order to be able to be voted on and incorporated in the budget. I believe it was sometime in May when the arrearage to the Center of New Hampshire based on this 50/50 was in excess of \$200,000. I asked Tom point blank, Tom I don't want to be phoned around now, I need an answer. Was it put in the budget? The answer was no. I place the blame of that squarely on the City. The Center of New Hampshire has no way of getting that in the budget. It was up to the City to put it in the budget. It did not. As a result of that, this proposal was made as a way of getting us the money because as was explained to me it was not a good thing for the City to be in a position that it was collecting revenue that it could not rely on spending 100 percent of. Fifty percent of it belonged to Center of New Hampshire. Therefore, the very end of June and agreement was executed, a payment was made approximating almost a quarter of a million dollars to the Center of New Hampshire, and I might add, since that payment is now almost \$12,000 that has accrued that is owed the Center of New Hampshire. Now, I'll ask this question of this Committee. Since there was no appropriation made to provide for paying the Center what it is owed pursuant to the April 2002 vote, and if this Committee is not going to recommend this alternative method, how is the Center of New Hampshire going to be reimbursed. I would like an answer to that, if I may.

Mr. Clougherty stated as I think the attorney has said there were meetings. What was explained to the Center of New Hampshire at the time is that the staff can't provide for an appropriation. It's the Board that appropriates, the staff can't assure or guarantee anything in that regard. The issue at the time was trying to get a payment for fiscal year 2003 and to get the necessary document approved so that that transaction could occur, which we did do; take care of the arrears for fiscal year 2003. With respect to fiscal year 2004, there has to be a contract in place, which from my understanding was going to be an operating agreement for those dollars. We haven't got that. The question of the operating agreement is, so you like the business deal? Are you going to perpetuate the deal that you made, the 50 percent deal back when, which in my opinion didn't have the information in front of you. So if you want to perpetuate that deal, and if you had done that before the budget was adopted, then he's absolutely right. It should have been in there. But does the Board of Aldermen have the obligation or have the right to go back and revisit as part of the operating agreement development, what it wants for a business deal, and then to appropriate those dollars, I think absolutely it does. So if the Board were to go into an operation agreement negotiation, and come up with something different than the 50/50 deal, then depending on what that is, finally negotiated to be, then that's what your obligation would be, and you would pay that. I think it's in fairness to these gentlemen, I think that should have been done a long time ago. As I've been pretty adamant about it at the meetings that we've had, and the fact that it isn't done, is I'm sure problematic to them. But there is no appropriation. There is no agreement to base that appropriation on, so here we sit.

Mr. Peltz stated may I add something else that from and after every meeting we had, we asked to give us drafts of the agreement. I drafted documents I gave to Tom Arnold. The agreement, which is being looked at tonight and was proposed, is I dare say like 99.44 percent my language, which was done I think in either March or April and it took until this time to get it. We've been pushing for something, I hate to say it, but the City has been delaying it. Now we're boxed in. There was no agreement, therefore, there couldn't be an appropriation. Something's wrong. We are owed the money, we're owed money, every event we're owed more money and this is unfair. And I'd like to add one other thing too, just to refresh the Board, several years ago the City sent us a letter indicating that there was an increase to us which hadn't gone into effect for many years. The Center owed in excess of \$300,000 to the City. We immediately signed an agreement, we made our payments punctually, we liquidated it. Here the City now is on the other side; it owes us money, every day it owes us more. It's delaying; it is not paying us. I think what's sauce for the goose, is sauce for the gander.

Mr. Clougherty stated I agree with him. The payments weren't being made by the Center to the City, and they were mounting up over time, they didn't make the payments, and as a result there was a settlement that had to be made. It would

have been easier had those payments be made right along. Again, a little cause for concern for me to say we should enter into an agreement where they're going to collect City revenues. I guess I have a concern about that. Again, the appropriation rules I think are important and that we adhere to them.

Alderman Guinta asked if we enter into this agreement, we're not breaking any rules or laws are we?

Mr. Clougherty replied that would be a question for Tom.

Alderman Guinta asked if we enter into this collection agreement, are we breaking any laws or rules?

Mr. Arnold answered I do not believe so. Kevin has made reference to a practice of the City that I think has been a practice of City, but this agreement; no I don't believe it breaks any laws or rules. It is a change of procedure.

Alderman Guinta stated okay so it's a change of procedures. Secondly, the answer that I don't know was...the question that I don't think was answered was, in reference to the \$12,000 bill that the City owes the Center and then the future money that's certainly going to increase...I don't know how much it is per event, but Mr. Peltz asked a question. How is that money going to be paid? The answer is it can't be unless we have an appropriation.

Mr. Clougherty stated what you're going to have to do is if you want honor this business deal, this agreement, you're going to have to come up with the dollars to pay for that and it's got to come out of Tom's budget. If he doesn't have enough money in his budget to make those payments...

Alderman Guinta interjected then we don't make the payment.

Mr. Clougherty answered no, we're going to have to...you have a contract...you're going to have to make those payments. You're going to have to find those dollars.

Alderman Guinta asked and I suspect you don't have the money in your budget? I want to ask one question of Mr. Peltz. The \$300,000 that the City deemed was owed to it. Has that been completely paid off?

Mr. Peltz answered it was completely paid off, but I might add...

Alderman Guinta asked when was the last payment made? Wasn't it recently?

Mr. Peltz answered eight months ago I believe.

Alderman Guinta stated but during this process you paid those payments.

Mr. Peltz stated we also pay our rent every month, and if I just might add that \$300,000 number, the reason that money was owed, we never got a bill for it. We didn't know about it. Once we got the bill I'd say within weeks, an agreement was signed, we began payments, we liquidated punctually, and we've been paying...was it about \$12,000? Is that what our obligation is? We're paying approximately \$12,000 a month to the City as rent on the garage, yet the City is owing us money every month, which we're not getting. Now it's totally unfair the way this is being done.

Alderman Lopez stated I'd just like to ask a question Madame Chair. You say it's \$12,000 we owe you right? Is that what you said?

Mr. Peltz answered there's \$12,000 in arrears since the agreement was...I think it's from January.

Mr. Clougherty stated this fiscal year is what's in arrears.

Alderman Lopez stated it is going to increase all the time, but until the final documentation, I believe maybe the City Solicitor and the Finance Officer... We are collecting all of the money now and with the chief Finance Officer and the City attorney, if let's say for an example you were giving us \$20,000 and they would verify that we owe you \$12,000, could an arrangement be made legally Kevin and City Solicitor, so we pay these people the money we owe?

Mr. Clougherty answered right, you could make that arrangement, the problem is you don't have an appropriation unless you...

Alderman Lopez asked but it wouldn't be revenue coming in?

Mr. Clougherty replied I could tell you this Alderman. Tom would make the payment out of his budget but eventually it would get to a point where his budget would not have those dollars and we would, maybe not this month, maybe not next month, but sometime in January you're going to have to come up with some dollars to provide some relief to Traffic to make those payments. Now that could come from contingency, that could come from, we've attacked this other ways with Welfare we had a shortfall. We'll try to find some dollars if that's what's the Board's going to approve. If you approve it, I will find that. I will come back to the Board and I will do it that way.

Alderman Guinta asked how much do we have in contingency?

Mr. Clougherty replied I think it's \$180,000.

Alderman Guinta stated okay, so we own them \$12,000 today. So we make an appropriation in September for \$12,000, \$180,000 minus \$12,000. Then the next month...we are already behind a month because we make that appropriation in September. So then we go to a contingency again another \$12,000, \$15,000, \$18,000 grand. We're just going to keep doing that? Is that...that's like me taking in my personal budget taking money out of my savings account to pay for something because my accounting is screwed up.

Mr. Clougherty stated in your case your accounting is screwed up in that example.

Alderman Guinta stated well in this case it is screwed up, because Tom doesn't have the money...

Mr. Clougherty stated the accounting isn't screwed up, the budgeting by not putting in an appropriation for that is what's screwed up.

Alderman Guinta asked so the Mayor didn't put in his budget an appropriation? Nor did the Aldermen put in an appropriation. So there is no appropriation to pay a \$12,000 bill that's due today?

Mr. Clougherty answered right. Now, what I would suggest is not hitting contingency for the \$180,000. If you're agreement is that you want to do this with an appropriation approach, then we would have to go back, and if the Board approves this agreement, try to find some other source for those dollars. And it may mean other things have to be cut and we'll take a look at that.

Alderman Guinta stated or we could just get a check from them.

Mr. Clougherty continued or you may have some balances in other areas that would materialize that we could use this for. Which happens Alderman. As you know as we get out past...we can work that out.

Alderman Guinta stated I know. Let me ask you a hypothetical. Say we do agree to this agreement and the Center of New Hampshire is paying us how many ever times a year, where does that money...what account do we hold that money in?

Mr. Clougherty answered it's required under a contract that we do a revenue account. In the contract there's requirements for it to be housed, and that's what we do.

Alderman Guinta asked what do we use that revenue account...the money that's in whatever revenue account this would go to.

Mr. Clougherty answered at the end of the year it's a general fund revenue, as my recollection.

Alderman Guinta asked how much did we collect for fiscal year 2002? How much was the City portion fiscal year 2002?

Mr. Peltz answered the City's portion would have been double our portion. What I'm saying is from April 2002 till sometime in June 2003, it was in excess of \$200,000.

Alderman Guinta stated it was like \$230,000. So if we had...and the City...if it's a 50/50 split, you get \$230,000 and we get \$230,000. So at the end of the year if we have \$230,000...

Mr. Clougherty interjected less the expenses that we owe them. Is that what you're saying?

Alderman Guinta no. If we enter into this agreement and they're sending us checks on a regular basis, and I don't know whether it's weekly, quarterly, biweekly or monthly...

Mr. Peltz stated one business day after the event.

Alderman Guinta stated one business day after, okay and then 12 months goes by, and we accumulate \$230,000 in a revenue account, we have \$230,000?

Mr. Clougherty replied but you're also taking the revenue account...you also have an operating account that you're paying expenses out of.

Alderman Guinta asked which is \$16,000?

Mr. Clougherty replied again, I have to back and look at it.

Alderman Guinta stated minus the \$16,000 out of the \$230,000. So you know Mike there's your money at budget time when you're looking for revenue.

Mr. Clougherty stated then there's expense.

Alderman Guinta asked what expense?

Mr. Clougherty answered the payment to them.

Alderman Guinta asked which payment? The \$16,000?

Alderman Lopez stated under 55 there, you're going to give them 50 percent and then they're going to send you a bill for expenses and you have to pay them out of your 50 percent that you get. It's complicated. That's why I say that the Finance Officer should have been involved in this whole thing. You're the committee; you make your decision.

Alderman Guinta asked how much are we talking in expenses?

Alderman Lopez replied I don't know.

Mr. Arnold stated I do not...

Alderman Lopez asked do you know what the expenses would be? Anybody?

Alderman Forest stated we should have gotten answers to all of these questions.

Mr. Peltz answered I don't know what the expenses are, but I know that, correct me if I'm wrong, that about four times people from I believe it's Finance, auditing, went to the hotel, went through the books, and I believe found no errors.

Alderman Guinta stated all right. So the money goes into a revenue account, we get a bill for an expense, and then we cut a check to them from that revenue account for expense. What's the problem with that process? Does anyone have a problem with that process other than the concerns that Kevin has expressed? Does anyone on the Committee have a problem with that?

Alderman Forest replied I do.

Alderman Guinta asked what's the problem?

Alderman Forest replied I just don't like them keeping the money, you know. Again, they're paying us. I don't like this contract. I think the whole staff should be involved in reviewing this. Kevin wasn't involved, there are other members of the staff that weren't involved, and then we're asked to pass this. I was on the board a year ago, or whenever it was, when we all realized that the City owed them money. We all voted for them to get that money. So I'm not opposed to them getting their money, I'm just opposed to them keeping the money and then...

Alderman Guinta stated Alderman ask him how long it took for them to receive that money. Ask that question.

Alderman Forest stated I know how long it took. It was somebody's fault in the City. Why wasn't the money paid to them? It was appropriated but it wasn't just in this administration. That must have been going on for a long time.

Mr. Peltz stated it took 14 months to get that money and the point is if this agreement is approved, we will get our money in effect on a daily basis, the City will get it's portion on a daily basis. If this is not approved, I'll ask is it going to take another 14 or 18 or who knows how many months to receive another penny?

Alderman Forest stated I don't think so if somebody does their job and I think if we get everybody involved in this, we can get it done right.

Alderman Osborne asked Kevin what can you do or what's your recommendation to get this to run smooth? What's your recommendation?

Mr. Clougherty stated again my recommendation is I don't think it's a good deal for the City. I don't think we should be giving them 50 percent of the revenue, I don't think their entitled to it.

Alderman Osborne stated so they don't have to wait for their money and we don't have to wait for ours. How can we cure this? It's broken let's fix it.

Mr. Clougherty stated I think it's bad business.

Mr. Peltz stated if this was voted on and what you feel really is unimportant with all due respect...

Mr. Clougherty stated with all due respect I do have a voice in this. They approved an agreement that they didn't have documents in front of them at the time they approved it. And I think everybody on the Board is willing to stand up and say yes we'll go along with this and try and do the right thing, and I think the City has, and we paid for the last two fiscal years. However, going forward there's the question of do you want to perpetuate this business deal with giving them a revenue sharing of 50 percent? If the Board approves that, and if that's what your operating agreement is going to be based on, you have two questions. If you want to prove this going forward, you either have to do the appropriation approach, which we're talking about, which is the right way to do, and then in subsequent years it should be appropriated, or you have to do some type of end around of the appropriation process which is the other alternative that proposed tonight. We don't prefer that. Is it harder to go back to the Board to deal with this

issue and deal with it on an appropriation basis and come up with the dollars and move them around? Yes it is. Is it a better way to do it? I believe it is, because it's a better accounting for the taxpayers and if that's what the Board, as I've said to the Aldermen before, I've held my nose on the deal. I've not been an obstacle, I went to the meetings and said, you've got to get me a document so I can make a payment, and we did make that at the last hour of the fiscal year because I got involved and tried to get that taken care of. So again, to me it's a procedural control issue that we follow the appropriation approach even though that's probably the least attractive.

Alderman Guinta asked Kevin do you know where the Mayor stands on this position regarding the appropriation?

Mr. Clougherty replied I don't Alderman. As I said, Tom sent the documents over to me yesterday afternoon. I was tied up with stuff last night. I have not talked to him.

Alderman Guinta asked Tom do you know where the Mayor stands on this?

Mr. Arnold answered I don't pretend to speak for the Mayor, what I can say is I spoke to him briefly I believe on Monday, told him in a nutshell what the agreement proposed and he did not express any objection to me.

Alderman Guinta stated I'm sort of at a loss here, because if we don't approve this agreement, several things happen. The first thing that happens is the Center of New Hampshire does not receive the money that they are entitled to by agreement. Secondly, this Board, not until September, so additional monies will accrue, will then have to take this up at the full Board meeting and determine at that point where to obtain the funds, which will probably take at least a month. So another month's worth of payments will accrue. We hope, at that point in October, that either a department head or the Finance Department will come up with a solution for the money that we owe and yet we still won't have an appropriation in the budget. So we are not solving the problem of owing our debts.

Mr. Clougherty asked Alderman, can I just clarify that? In my opinion, if you approve this business deal, and you approve it using the appropriation method, at that point my understanding, and I think Tom would verify this, we have an obligation to make the payment under the contract and Tom would be making that appropriation. The challenge would be to come up with dollars going forward so that the hole is filled. It would not be in my opinion in our best interest, and I've not advocated that ever since I've been here, is that you stiff your vendors when you have an agreement. I think at that point Tom would make the payments out of his appropriation, understanding that puts a burden on his budget and we're going

to have to replenish that through a transfer from other sources down the road, but I don't think, and it would not be my recommendation that we not honor the agreement once you go forward and make the agreement. As I said to you before, I may not like it, but I'll honor it and I'll make sure that those payments are made on a timely basis, and at that point I think you would have the necessary legal authorization to make the payments which was my problem last year. I didn't have that.

Alderman Forest stated we can be debating all night as we have in the past. Can I just suggest...? I'll make a motion that we accept this as written until the first of the year and between now and the first of the year, staff get together and come up with an operating agreement. But just accept this one until the first of the year.

Deputy City Clerk Johnson stated Madame Chair can I just jump in here for one second, because I understand what he's trying to do. The idea is that earlier this evening you extended other things until January 1st and I think as being consistent with the January 1st, and what he's saying is here's the agreement that was presented with the change that Mr. Arnold brought before you earlier. In addition to that, he's suggesting that staff, including the Finance Officer this time, review and make a recommendation back to the Committee regarding negotiating an operating agreement. So we changed to January 1, 2004. So in essence, what would then happen is the Center would be collecting the money and sending you only the 50 percent, which is what that was setting forth to do, you're not dealing with the appropriations, which doesn't necessarily satisfy the Finance Officer but allows you time to address the operating agreement, which was what his other issue was. So you're sort of meeting in the middle, I guess.

Mr. Peltz stated may I ask a question on that? Does that mean that the arrearage of approximately \$12,000 would be able to be paid?

Deputy City Clerk Johnson stated I guess that's a question of the Finance Officer. I believe it goes...

Mr. Clougherty answered if the Committee approves the contract, then the City has obligation for those six months, and it is my understanding that Traffic would have to pay that. Understanding that we may have to do something with the appropriation...

Alderman Guinta interjected this contract has nothing to do with the \$12,000 that we owe them.

Mr. Clougherty replied yes it does.

Alderman Guinta asked so if we approve this until January 2004, you're now going...how do you get the \$12,000?

Mr. Peltz answered as of now, round number, for events that occurred subsequent to the date of the agreement, and I believe the small 50 percent of the operating expenses, that figure is approximately \$12,000. Assume that there were a Verizon event tomorrow night, if this were approved, on Thursday we would deposit into the City's account one half of the Verizon revenues from tomorrow night's event. We would keep the other half. So that we're talking in one sense going forward from the date of approval and the arrearage that has accrued, that arrearage being roughly \$12,000.

Deputy City Clerk Johnson stated can I just ask a question here, because we're trying to resolve this \$12,000 issue back here, and my question is to the Center. The \$12,000 is all within our current fiscal year that started July 1st? Am I correct, or not correct?

Mr. Peltz answered some of that, a very minor portion, goes back to the prior fiscal year.

Deputy City Clerk Johnson asked so if we initiated the agreement based on a July 1 initiation date, then most of the \$12,000 problem goes away and the rest of it would be prior year? Kevin? I'm asking the question, I don't know.

Mr. Clougherty replied again, which method are you going to approve for the six months?

Deputy City Clerk Johnson replied their talking about utilizing for the July 1st to January 1st period.

Mr. Clougherty replied the non-appropriation method.

Deputy City Clerk Johnson stated so if they do that, it's my understanding most of that \$12,000 would go away, because it could then be taken out of the proceeds.

Mr. Clougherty replied well it really wouldn't because we've already collected those dollars and it's revenue on the City side...

Deputy City Clerk Johnson interjected okay, but there could be an accounting adjustment done for that? Am I correct?

Mr. Clougherty answered they might have to net something going forward be we have to talk to them about that.

Alderman Guinta asked why wouldn't we just cut a check?

Mr. Clougherty answered because there is no appropriation Alderman.

Mr. Peltz stated we have an agreement whereby we could deduct it from our next rental payment.

Mr. Clougherty replied I think you might want to put that in the language that you adopt. It would have to go to the full Board.

Deputy City Clerk Johnson asked if we did the language to make it effective July 1st through June 1st, will going forward from this date I should say, from the date the Board adopts it, going forward from that date, you'd have to continue with what you're doing now until the Board approved something different. But if you did it from that date forward, which at this point would be the September 2nd date, and then added a section in there to allow for an adjustment for anything owed by the City to be deducted from that September date, which can be done according to the Solicitor. And that be your recommendation in terms of your agreement, then that will resolve the issue of the \$12,000 and anything between now and then in essence, and it still allows you the operating agreement going forward to be negotiated and brought back to the Committee.

Alderman Forest asked can I just add that to my motion, or would that...

Deputy City Clerk Johnson interjected I would include that as being your motion. So the motion basically is to take and make it effective from the action of the Board, through January 1, 2004, and then to that you're adding amendments to the contract for the following business day, which was brought up earlier, and you are allowing for a section to be place in there for deduction of any amounts owed by the City to the Center of New Hampshire to be taken from future revenue.

Mr. Peltz stated either rental or revenue.

Deputy City Clerk Johnson stated future revenue.

Alderman Osborne stated Kevin can I ask just one more question? What happens on January 1st? They'll be no negotiating before January 1st?

Deputy City Clerk Johnson answered yes. That was part of the motion as well. I didn't finish. I just want to finish the other piece of it is that in the interim staff, including the Finance Officer, Traffic and other members of City staff, will go back and negotiate and bring back to the Committee recommendations for an

operating agreement and I would anticipate that to come forward similar to the same thing with the other garage and so forth.

On a motion by Alderman Forest, duly seconded by Alderman Osborne, it was voted that upon approval of the Board of Mayor and Aldermen at their September 2, 2003 meeting, the Center of New Hampshire Parking Garage Operating Agreement be extended to January 1, 2004, as well as amendments to language in the contract stating that payment from the Center of New Hampshire to the City for Verizon event parking be forwarded the following business day, as well as language allowing the Center to deduct any amounts owed by the City from future revenue, and that the Finance Officer, Traffic Department and other members of City staff go back and negotiate the operating agreement and bring a recommendation back to the Committee

Chairman Sysyn addressed Item 7 of the agenda:

Communication from Jane Beaulieu of FOR MANCHESTER requesting the use of Arms Park on September 6 and 7 for the First Annual Mill City Festival.

Deputy City Clerk Johnson stated the Clerk would note that the business licenses have been applied for and they have met those obligations and we have a handout was submitted by Ms. Beaulieu. I don't know if the Police Department had anything else to state to this matter.

Chairman Sysyn stated I believe she worked with Sgt. Fournier on this and he has information for it. She couldn't be here; she had to be somewhere else tonight.

Sergeant Sean Fournier of the Manchester Police Department stated I've had several meetings with Jane Beaulieu regarding the Mill City Festival. It will be the weekend of what used to be the Riverfest. It is the 6th and 7th of September, I believe, and we have her booked for that. We met, we've looked at her plans very thoroughly, we'll have Police details there, as well as some other concerns were raised and those all have at this point been properly addressed. If there's any questions the Board has, I would be happy to answer them.

Alderman Forest stated I have one for Sgt. Fournier and maybe one for the Clerk. But as far as Police presence down there like all of the other Riverfests, is that going to be handled through her committee and are those going to be paid details and are you going to get paid. Because I think there's been concerns in the past.

Sgt. Fournier answered yes they will be through her committee, the actual payment, they were paid details. They have pretty much been worked out in terms of the amount of officers. There actually will be fewer officers then we normally have at the Riverfest, just because of the volume. This will be the first year, and I think the actual dynamics which she is trying to present here there is going to be a lot small crowd and at this point for actual payments, it has been clearly stated to her to it would come out of her committee and not something that the City would incur.

On a motion of Alderman Forest, duly seconded by Alderman Guinta, it was unanimously voted that the City allow Ms. Beaulieu to use Arms Park for the First Annual Mill City Festival with the condition that she work with the Police Department, Fire Department, and any other necessary departments.

Chairman Sysyn addressed Item 8 of the agenda:

Communication from Clyde Dagget of The Manchester Church of Christ requesting the use of the Pine Street parking lot at the Federal Building on September 27, 2003 from 7 AM until 5 PM for their annual “Give-Away-Day”.

On a motion of Alderman Guinta, duly seconded by Alderman Forest, it was unanimously voted to approve the request received by Clyde Dagget.

Chairman Sysyn addressed Item 9 of the agenda:

Communication from Wayne Gill requesting an amendment to Ordinance 130.20 to ban and prohibit basketball hoops on City sidewalks, right-of-ways and streets.

Chairman Sysyn asked don't we have an ordinance now?

Alderman Guinta stated let's just enforce it.

Deputy City Clerk Johnson stated I'm not sure what's on the books now. I don't know if Solicitor Arnold has looked at it this.

Alderman Forest stated the exact copy of the ordinance is in the packet.

Deputy City Clerk Johnson stated he is looking for an amendment to that ordinance.

Alderman Forest stated I'm just saying that I don't think we need an amendment, we just need a letter to maybe the Police Department saying to enforce them.

Deputy City Clerk Johnson stated I'm not so sure that was instance and I think that's why the amendment was requested. The question was Tom, about prohibiting basketball hoops on City sidewalks, right-of-ways and streets, they're looking for an amendment. Have you reviewed that ordinance?

Mr. Arnold answered I have not.

Chairman Sysyn stated I was under the impression that we have an ordinance to that effect. I think the problem is the enforcement. We could probably send this to the Police Department.

Alderman Forest stated the ordinance that I read does not cover specifically basketball hoops, but the ordinance does cover sports involving basketballs or whatever, so you don't really need an amendment to it, it's an enforcement thing. At least in my opinion, but I guess we're going to wait for Tom Arnold.

Mr. Arnold stated I'm sorry I've been kind of caught by surprise. I have not reviewed the ordinance. I would have to do that if the Committee would like some suggestion I would certainly try and get back to you at your next meeting after I've had a chance to review it.

Chairman Sysyn stated I believe Sgt. Fournier has something to say on that one.

Sgt. Fournier stated I believe under the City ordinance 130.20, it's conduct in public places, about playing ball or any game in the City streets is what Mr. Gill is referring to. In response to the actual complain on Sunnyside, we did speak to several of the residents, three residents in specific, in reference to the portable basketball hoops in the City streets, and we advised them of our concerns as well as the actual violations and they were very cooperative and the matter was resolved. Our understanding is it was resolve and there hasn't been any reoccurrence. I could stand corrected in that if Mr. Gill was here. But for the actual enforcement, once again it falls under the discretion of and the magnitude of the issue, and I think the appropriate measures were taken by Manchester Police and we do have a...though we're not opposed to any changes in the ordinance at this point, we think we have enough tools to work with in terms of violations.

On a motion of Alderman Garrity, duly seconded by Alderman Guinta, it was voted to receive and file this communication.

Chairman Sysyn advised that the Traffic Department has submitted an agenda, which needs to be addressed.

Alderman Garrity stated I have something that I want to discuss Madame Chair. Tom on parking two hours, 8 AM to 6 PM on South Lincoln. Nobody contacted me on that. I was just curious why that's going up there.

Traffic Director Tom Lolicata stated that's a woman who bought the home down there and has a hair salon. It's on her property, nobody else's.

Alderman Garrity asked it's just going to her property line?

Mr. Lolicata answered just her property line.

Alderman Forest stated is this in front of a business?

Mr. Lolicata answered right.

Alderman Forest stated okay that's why the Tuesday to Saturday. Okay I have no problem with that.

Alderman Garrity stated the problem is the adjourning business was taking up all of the parking in front. There's a car dealership next door and they were just parking their cars there. One further question. I know that we talked about St. Therese's Church on Mitchell Street, is that coming in as an act tonight?

Mr. Lolicata responded that will come in later. I couldn't contact the lady, which I will do for one side, the other side I'm going to go as far as the property line of St. Therese. The old 1948 ordinance I believe says no parking in front of churches, synagogues, etc., but below that I'll take all the rest of it out that can be rescinded.

Alderman Garrity asked below where?

Mr. Lolicata answered below...well it goes much further than the church, the no parking. Further easterly, I can take that out. I take it all out...

Alderman Garrity stated just the length of the church is just what I was concerned about.

Mr. Lolicata stated I'll have to check with Carol on that, but I think the old 1948 ordinance still applies for...

Alderman Garrity asked on the side of a church or the front?

Deputy City Clerk Johnson replied no. We're looking it up because I'm not sure...the 1948 ordinance no longer applies to anything. You have to follow the new ordinances or establish, and I don't know if it was continued in the new one or not. Did you look?

Mr. Lolicata stated I'm just remembering the old about no parking in front of synagogues, churches, and funeral homes. I don't know if that's still part of the...if it isn't I can do it for you.

Alderman Garrity replied okay. How is that going to work? You're just going to go through the...a phone poll? Emergency act?

Mr. Lolicata stated can get an emergency act to put on the following one if we have to.

Alderman Garrity asked could I get an answer by Friday on that? If you could do that by Friday.

Mr. Lolicata replied okay.

Alderman Forest stated as far as the whole agenda is fine, I just want to be listed as opposed to the four way stop signs. I do not like it, whether it's school zones or not. So other than that...

Alderman Garrity made a motion to approve the traffic agenda. Alderman Osborne duly seconded the motion. The motion carried with Alderman Forest duly recorded in opposition to the four-way stop sign requests.

NO PARKING

On Winter St., south wide, from a point 65 feet west of S. Main St. to a point 165 feet west

Alderman Smith

On Westland Ave., south side, from Wolcott St. to a point 90 feet easterly

Alderman Garrity

On Talbot St., east side, from a point 150 feet south of Candia Rd., to a point 70 feet south

Alderman Shea

On Boynton Court, east side, from Valley St. to a point 115 feet south (emergency act)

Alderman Shea

On Somerville St., north and south side, from Cypress St. to a point 50 feet east
Alderman Shea

PARKING 2 HOURS 8AM-6PM MON-FRI

On Maple St., east side, from Auburn St. to Cedar St.
Alderman Osborne

PARKING 2 HOURS 8AM-6PM TUESDAY-SAT

On S. Lincoln St., east side, from Parkview St. to a point 85 feet north
Alderman Garrity

In front of St. Augustine's Cemetery, parallel to S. Beech St. for a distance of 150
feet (emergency act)
Alderman Garrity

RESCIND NO PARKING

On Boynton Court, east side, from Valley St. to the dead end (#8562) (emergency
act)
Alderman Shea

PARKING 2 HOURS 8AM-3PM MON-FRI

On Boynton Court, west side, from Valley St. to a point 60 feet south (emergency
act)
Alderman Shea

RESCIND PARKING 30 MINUTES

On Talbot St., east side, from a point 40 feet south of Candia Rd. to a point 150
feet south (#6186)
Alderman Shea

RESCIND NO PARKING

On Winter St., south side, from a point 65 feet west of S. Main St. to a point 200
feet west (#6362)
Alderman Smith

On Prospect North Back St., south side, from Elm East Back St. to Chestnut West
Back St. (#3544)
Alderman Guinta

On Elm East Back St., both sides, from Prospect St. to Prospect Northback St.
(#6444)
Alderman Guinta

On Chestnut Westback St., east side, from Prospect Northback St. to Prospect St.
(#7035)

Alderman Guinta

STOP SIGN

On Belmont St. at Myrtle St., nwc, sec, four-way school zone

Alderman Gatsas

On Belmont St. at Pearl St., nwc, sec, four-way school zone

Alderman Gatsas

On Rand St. at Hanover St., sec

Alderman Sysyn

On Delaware Ave. at Hanover St., nwc

Alderman Osborne

On Delaware Ave. at London St., nwc, sec

Alderman Sysyn

On Joshua Dr. at Hoyt St., nec, sec, four-way school zone

Alderman DeVries

RESCIND YIELD SIGNS

On Delaware Ave. at London St., nwc, sec (#0144)

Alderman Sysyn

AUDIBLE PEDESTRIAN SIGNAL

Elm St. and Queen City Ave.

Alderman Garrity

PARKING ½ HOUR

On Talbot St., east side, from Candia Rd. to a point 60 feet south

Alderman Shea

TABLED ITEMS

14. One-Way Streets:

Hollis and Kidder

(Note: This item was tabled on 4/8 pending a meeting between Alderman Guinta, Tom Lolicata, and the constituents involved.)

This item remained on the table.

On a motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted to remove Item 15 from the table.

Ordinance submitted by Police Department:

“Amending the Code of Ordinances of the City of Manchester by creating §75.00 Motorized Scooters established to govern the use of motorized scooters in the City of Manchester.”

Alderman Forest stated this was an ordinance that I proposed along with Lt. Lussier of the Manchester Police Department last year. It finally came down from the State and then we sent it to the City Solicitor’s office for review, but I’ve been asked by the Clerk to retable it, or send it to the Police Department...table it for now, send it to the Police Department for their review, and then have it brought back to our board.

Deputy City Clerk Johnson stated there is an ordinance that was revised somewhat by the City Solicitor, which we distributed to the Committee and that’s what will now be before the Committee. And what we are suggesting is that the Police Department administration have an opportunity to review that and respond to the Committee at the next meeting.

Chairman Sysyn stated but we’re going to send it to the Police Department for review and then they will send us information at our next meeting.

Alderman Forest made a motion to table this item and have the Police Department review the revised ordinance and bring their recommendation back to the Committee at their next meeting. Alderman Osborne duly seconded the motion.

Alderman Guinta stated Tom did you...?

Alderman Forest stated it doesn’t involve the Segway.

Alderman Guinta stated I know, but it says all motorized scooters, so I don’t know if Tom looked into that or what.

Mr. Arnold stated if you look at the definition that I proposed, motorized scooter is defined as something with wheels attached to a long narrow platform in tandem, which would exclude the Segway.

Alderman Guinta asked how does in tandem exclude the Segway?

Mr. Arnold answered in tandem the wheels would follow one another.

Alderman Forest stated when I proposed it I didn't want to include the Segway and it could have included the motorized wheelchairs if it wasn't written properly. That's why Lt. Lussier and I...

Alderman Guinta stated that was my second question. Does the in tandem make the problem for motorized wheelchairs?

Mr. Arnold answered no because the description further goes to say designed to ridden standing.

Chairman Sysyn called for a vote on the motion to table this item and have the Police Department review the revised ordinance and bring their recommendation back to the Committee at their next meeting. There being none opposed, the motion carried.

NEW BUSINESS

Chairman Sysyn stated under New Business I'd like to come out with my stop sign that we had the night that we rode the buses and I know that you're opposed some of you to a four-way stop sign, but for West Merrimack Street and Franklin Street and I've come to some near misses on that...and there is an elderly center right at that corner, so that's what I'm looking for under New Business. Can anybody give me a motion on that? Remember when we rode the buses and the bus went through the stop sign.

On a motion of Alderman Guinta, duly seconded by Alderman Forest, the item was moved for discussion.

Alderman Guinta asked what is your thought Tom?

Mr. Lolicata stated that corner has been trouble for over 30 years and believe it or not I think they've been reversed, which is one of the fewest things in the City that ever happened. I'd like to make a recommendation before changing or adding any stop signs down there. That curbing comes out...I'd like to take and put no parking down there and leave the loading zone. I think that parking down there has a lot to do with as far as looking both ways and blocking people. It gives people more room to get by going that way. I've been looking at that for the last year with Jimmy Hoben and the street is offset right now because of that curbing. If we can take the parking out of there, with two meters gone, leave the loading zone for the elderly; I think it would be much better for people to see. The other thing is parking over there where they deliver to the carpenter blocks a lot of the

views there too so I've got keep that stop sign there, but I wouldn't recommend four right now Mary.

Chairman Sysyn asked did we ever have the stop signs on the other side? Is that what you said?

Mr. Lolicata answered that's what we keep thinking. Way, way back because it was...

Chairman Sysyn stated because I always hesitate like I want to stop at that one, because I'm afraid...

Mr. Lolicata stated people are doing it by themselves and there is no stop sign there. But before I do that I'd like clear out that whole corner and see if I can improve that and I'll check with the Police as far as accidents are concerned, but I don't think it really warrants a four-way unless I can get the accident ratio up there from the Police the last three years, and if I can take that parking out of there I think it might be an improvement. I don't have any votes, it's just that's my opinion.

Alderman Forest stated I sort of agree with Tom because I know when I come to these meetings I come up Merrimack Street and a lot of times you know you look to your right or left and you can't see anything, but during the day when I come up there they have meals on wheels and their vehicles come over and they are double and triple parked there, so maybe a loading zone like he's says on both sides would eliminate some of the...I think in our case we weren't paying attention, but I don't think we should be too drastic just yet. But the loading zones I would agree with.

Chairman Sysyn stated let's let Tom look at it at least and see what we can do about stopping people from going through that stop sign.

Mr. Lolicata stated we have a loading zone there now for the elderly, I want to leave that there.

Alderman Guinta stated and they love it, by the way. I've received more phone calls since that's gone in. That was a great job Tom.

Mr. Lolicata asked do you want me to look into the idea of taking those two cars out of there, the parking and the meters. The curb comes way over, way offset.

Chairman Sysyn asked how do you feel about that? Do you want him to take a look at it and then he can come back.

Deputy City Clerk Johnson stated he'll bring it back the next time with the proper information.

There being no further business to come before the Committee, on a motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee